IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2236 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANJU PRAKASH - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BM MANGUKIYA for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1, 3,
Ms. Kiran Pande, Asst.GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 13/12/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner who was appointed as Tutor on adhoc basis by way of stop-gap arrangement has prayed for an

appropriate order to quash and set aside the impugned order passed by the respondent dated 10th March 1997. It appears that it was the contention on behalf of the petitioner that merit list prepared by the GPSC was exhausted and persons who were junior to the petitioner who were not selected by the GPSC were continued in service. In view of the above submission, the learned Single Judge of this Court granted interim order and the respondents were directed to keep the impugned order dated 10th March 1997 in abeyance and to appoint the petitioner by way of stop-gap arrangement. This Court has further passed the order that the said protection will not be available to the petitioner in case any of the candidates selected by the GPSC and placed on the merit list is waiting for appointment or in any case the vacancy is not available. It appears that pursuant to the said interim order the petitioner was continued as Tutor in Pathology Department of Government Medical

College, Baroda.

2. Today, when the matter is called out, Mrs. Kiran Pande, learned AGP has placed on record a xerox copy of communication dated 4.8.2004 by the petitioner by which the petitioner has prayed to permit her to resign, and also a xerox copy of order dated 16.9.2004 by which the petitioner has been relieved with effect from 4.8.2004. Both the communications are directed to be taken on record. In view of the above, no further order is required to be passed. Hence, the present Special Civil Application is disposed of accordingly. No costs.

[M.R. Shah, J.]

rmr.